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EXAMINER
HAMZA, FARUK

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*16 August 2007*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27-38 and 44-73* is/are pending in the application.

    4a) Of the above claim(s) <u>*1*</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27-38 and 44-73* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>07/17/07</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Response to Amendment

1.   Applicant's election without traverse of species 3 (claims 27-38) in the reply filed on August 16 is acknowledged. Claim 1 has been withdrawn. Claims 2-26 and 39-43 have been canceled. Claims 44-73 have been newly added. Claims 27-38 and 44-73 are pending.

2.   The applicant should always use the period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks ™, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

Claim Objections

3.   Claims 44-47 objected to because of the following informalities: These claims recite "the program product" instead of "method". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 27-38 and 44-73 are rejected under 35 U.S.C. 102(b) as being

anticipated by Rafal et al. (U.S. Pub. No. 2002/0002586) hereinafter referred as

Rafal.

Rafal teaches the invention as claimed including the method of creating

and hosting customized online gatherings. One or more server computers

communicate via the Internet with web browsers operated by users. The online

gathering comprises one or more community activities such as chat rooms,

threaded discussion bulletin boards or picture-viewing rooms, in which invited

users can view information supplied by the host or other guest (See abstract).

As to claim 27, Rafal teaches a computer implemented method for

regulating self-disclosure in an instant messaging communications sessions, the

method comprising:

establishing, between an instant message sender and an instant message

recipient, an instant messaging communications session that enables an

exchange of textual, audio, and audio-video messages between the instant

message sender and the instant message recipient (abstract, P[0039,0042,0138-0142], Rafal discloses text, audio, audio-video messaging);

providing the instant message sender with different communications modes for communicating with the instant message recipient within the instant messaging communications session, the different communications modes offering varying levels of self-disclosure and including (abstract, P[0039,0042,0138-0142], Rafal different communications modes like text, audio, video messaging):

a textual message communications mode that enables the instant message sender to send textual messages to the instant message recipient within the instant messaging communications session (abstract, P[0039,0042,0138-0142], Rafal discloses textual messaging),

an audio message communications mode that enables the instant message sender to send audio messages to the instant message recipient within the instant messaging communications session (abstract, P[0039,0042,0138-0142], Rafal discloses audio messaging); and

an audio-video message communications mode that enables the instant message sender to send audio-video messages to the instant message recipient within the instant messaging communications session (abstract, P[0039,0042,0138-0142], Rafal discloses audio-video messaging);

receiving an indication of a selection, by the instant message sender from among the different communications modes, of a particular communications

mode for communicating with the instant message recipient within the instant messaging communications session (abstract, P[0039,0042,0138-0142], Rafal discloses selecting different communications modes);

facilitating generation, by the instant message sender, of a message according to the selected communications mode for communicating with the instant message recipient within the instant messaging communications session (abstract, P[0039,0042,0138-0142], Rafal discloses generating messages according to selected mode); and

sending the message generated according to the selected communications mode for delivery to the instant message recipient (abstract, P[0039,0042,0138-0142], Rafal discloses sending messages generated according to selected mode).

As to claim 28, Rafal teaches the method of claim 27 farther comprising: enabling the instant message sender to change the communications mode selected for communicating with the instant message recipient within the instant messaging communications session (P[0042,0138-0142]);

receiving an indication of a select on, by the instant message sender from among the different communications modes, of a new communications mode for communicating with the instant message recipient within the instant messaging communications session (P[0042,0138-0142]);

facilitating generation, by the instant message sender, of a message

according to the newly selected communications mode for communicating

with the instant message recipient within the instant messaging

communications session (P[0042,0138-0142]); and

sending the message generated according to the newly selected

communications mode for delivery to the instant message recipient (P[0042,0138-

0142]).

As to claim 29, Rafal teaches the method of claim 27 wherein:

receiving an indication of a selection of a particular communications mode for

communicating with the instant message recipient within the instant messaging

communications session comprises receiving an indication of selection of the

textual message communications mode (P[0042,0138-0142]);

facilitating generation, by the instant message sender, of a message

according to the selected communications mode for communicating with the

instant message recipient within the instant messaging communications session

comprises facilitating generation of a textual message by the instant message

sender (P[0042,0138-0142]); and

sending the message generated according to the selected

communications mode for delivery to the instant message recipient comprises

sending the textual message for delivery to the instant message recipient

(P[0042,0138-0142]).

As to claim 30, Rafal teaches the method of claim 27 wherein:

receiving an indication of a selection of a particular communications mode for

communicating with the instant message recipient within the instant messaging

communications session comprises receiving an indication of selection of the

audio message communications mode (P[0042,0138-0142]);

instant messaging communications session comprises facilitating

generation of an audio message by the instant message sender (P[0042,0138-

0142]); and

sending the message generated according to the selected communications

mode for delivery to the instant message recipient comprises sending the audio

message for delivery to the instant message recipient (P[0042,0138-0142]).

As to claim 31 Rafal teaches the method of claim 30 wherein

facilitating generation of an audio message by the instant message sender

comprises recording an audio message (P[0003,0039,0140]); and

sending the audio message for delivery to the instant message

recipient comprises sending the recorded audio message for delivery to the

instant message recipient (P[0003,0039,0140]).

As to claim 32, Rafal teaches the Method Of claim 30 wherein

facilitating generation of an audio message by the instant message sender

comprises accessing a pre-recorded audio Message (P[0003,0039,0140]);

and

sending the audio Message for delivery to the instant Message

recipient comprises sending the pre-recorded audio message for delivery

to the instant message recipient (P[0003,0039,0140]).

As to claim 33, Rafal teaches the method of claim 27 wherein;

receiving an indication of a selection of a particular communications mode for

communicating with the instant message recipient within the instant messaging

communications session comprises receiving an indication of selection of the

audio-video message communications mode (P[0042,0138-0142]);

facilitating generation, by the instant message sender, of a message

according to the selected communications mode for communicating with the

instant message recipient within the instant messaging communications session

comprises facilitating generation of an audio-video message by the instant

message sender (P[0042,0138-0142]); and

sending the message generated according to the selected communications

mode for delivery to the instant message recipient comprises sending the audio -

video message for delivery to the instant message recipient (P[0042,0138-0142]).

As to claim 34, Rafal teaches the method of claim 33 wherein

facilitating generation of an audio-video message by the instant message

sender comprises recording an audio-video message

(P[0003,0039,0141]); and

sending the audio-video message for delivery to the instant message

recipient comprises sending the recorded audio-video message for deliver to the

instant message recipient (P[0003,0039,0141]).

As to claim 35, Rafal teaches the method of claim 33 wherein

facilitating generation of an audio-video message by the instant message

sender comprises accessing a pre-recorded audio-video message

(P[0003,0039,0140,0141]); and

sending the audio-video message for delivery to the instant message

recipient comprises sending the pre-recorded audio-video message for delivery

to the ins ant message recipient (P[0003,0039,0140,0141]).

As to claim 36, Rafal teaches the method of claim 27 wherein:

the different communications modes further include an audio and still picture

communications mode that enables the instant message sender to send a

message to the instant message recipient that includes an audio message and

a still picture (P[0003,0039,0140-0142]);

receiving an indication of a selection of a particular communications mode

for communicating with the instant message recipient within the instant

messaging communications session comprises receiving an indication of

selection of the audio and still picture communications mode

(P[0003,0039,0140-0142]);

facilitating generation, by the instant message sender, of a message

according to the selected communications mode for communicating with the

instant message recipient within the instant messaging communications session comprises facilitating generation of a message including an audio message and a still picture (P[0003,0039,0140-0142]); and

sending the message generated according to the selected communications mode for delivery to the instant message recipient comprises sending the message including the audio message and the still picture for delivery to the instant message recipient (P[0003,0039,0140-0142]).

As to claim 37 Rafal teaches the method of claim 36 wherein; facilitating generation of a message including an audio message and a still picture comprises taking a still photograph (P[0003,0027,0142]); and

sending the message including the audio message and the still picture for delivery to the instant message recipient comprises sending the still photograph for delivery to the instant message recipient (P[0003,0027,0142]).

As to claim 38, Rafal teaches the method of claim 36 Wherein: facilitating generation of a message including an audio message and a still picture comprises accessing a previously generated still picture (P[0003,0027,0039,0142]); and

sending the message including the audio message and the still picture for delivery to the instant message recipient comprises sending the previously

generated Mill picture for delivery to the instant message recipient

(P[0003,0027,0039,0142]).

As to claim 44, Rafal teaches the computer program product of claim 33

wherein:

the instructions that, when executed, cause a computer to facilitate

generation of an audio-video message by the instant message sender comprise

instructions that, when executed, cause a computer to access a pre-recorded

audio-video message (P[0003,0027,0039,0142]); and

the instructions that, when executed, cause a computer to send the audio-

video message for delivery to the instant message recipient comprise

instructions that, when executed, cause a computer to send the pre-recorded

audio-video message for delivery to the instant message recipient

(P[0003,0027,0039,0142]).

As to claim 45, Rafal teaches the computer program product of claim 27

wherein:

the different communications modes further include an audio and still

picture communications mode that enables the instant message sender to send

a message to the instant message recipient that includes an audio message

and a still picture (P[0003,0027,0039,0142]);

the instructions that, when executed, cause a computer to receive an

indication of a selection of a particular communications mode for

communicating with the instant message recipient within the instant messaging communications session comprise instructions that, when executed, cause a computer to receive an indication of selection of the audio and still picture communications mode (P[0003,0027,0039,0142]);

the instructions, that, when executed, cause a computer to facilitate generation, by the instant message sender, of a message according to the selected communications mode for communicating with the instant message recipient within the instant messaging communications session comprise instructions that, when executed, cause a computer to facilitate generation of a message including an audio message and a still picture (P[0003,0027,0039,0142]); and

the instructions that, when executed, cause a computer to send the message generated according to the selected communications mode for delivery to the instant message recipient comprise instructions: that, when executed, cause a computer to send he message including the audio message and the still picture for delivery to the instant message recipient (P[0003,0027,0039,0142]).

As to claim 46, Rafal teaches the computer program product of claim 45 wherein:

the instructions that, when executed, cause a computer to facilitate generation of a message including an audio message and a still picture

comprise instructions that, when executed, cause a computer to take a still

photograph (P[0003,0027,0039,0142]); and

the instructions that, when executed, cause a computer to send the

message including the audio message and the still picture for delivery to the

instant message recipient comprise instructions that, when executed, cause a

computer to send the still photograph for delivery to the instant message recipient

(P[0003,0027,0039,0142]).

As to claim 47, Rafal teaches the computer program product of claim 45

wherein:

the instructions that, when executed, cause a computer to facilitate

generation of a message including an audio message and a still picture

comprise instructions that, when executed, cause a computer to access a

previously generated still picture (P[0003,0027,0039,0142]); and

the instructions that, when executed, cause a computer to send the

message including the audio message and the still picture for delivery to the

instant message recipient comprise instructions that, when executed, cause a

computer to send the previously generated still picture for delivery to the instant

message, recipient (P[0003,0027,0039,0142]).

As to claim 48, Rafal teaches the method of claim 34 wherein:

recording an audio-video message comprises recording an audio-video message

clip (P[0003,0027,0039,0142]); and

sending the recorded audio-video message for delivery to the instant

message recipient comprises sending the recorded audio-video message clip

for delivery to the instant message recipient only after the complete audio-

video message clip has been recorded (P[0003,0027,0039,0142]).

As to claim 49, Rafal teaches the method *of* claim 27 further comprising

receiving and displaying, to the instant message sender, audio-video messages

from the instant message recipient (P[0042, 0140-0142]).

Claims 50-73 do not teach or define any new limitations other than above

claims. Therefore, rejected for similar reasons.

5.   **Examiner's Note:** Examiner has cited particular columns and line

numbers in the references as applied to the claims above for the convenience of

the applicant. Although the specified citations are representative of the teachings

of the art and are applied to the specific limitations within the individual claim,

other passages and figures may apply as well. It is respectfully requested from

the applicant in preparing responses, to fully consider the references in its entirety

as potentially teaching of all or part of the claimed invention, as well as the

context.

Response to Arguments

6.   Applicant's arguments have been considered but are moot in view of the

new ground(s) of rejection.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

8.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Faruk Hamza whose telephone number is

571-272-7969. The examiner can normally be reached on Monday through Friday.
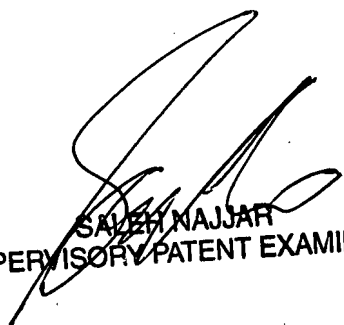
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER